

E-filing

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name Richardson Wayne Keith
(Last) (First) (Initial)

Prisoner Number V98950

Institutional Address On Parole My Address is 3212 Mission, Santa Cruz, CA 95065

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

WAYNE KEITH RICHARDSON

Full Name of Petitioner

Case No. (To be provided by the
clerk of court)

MMC (PR)

CDC Division of Adult Parole

vs.

PETITION FOR A WRIT OF HABEAS CORPUS

Name of Respondent
(Warden or jailor)

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your

petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainees), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

1. What sentence are you challenging in this petition?

4years sentence and 3 years parole

(a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

Superior Court

Court

County of Santa Clara

Location

(b) Case number, if known CC303637

(c) Date and terms of sentence september 16 2005 4 YEARS

(d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes ☒ No

Where? CDC adult parole

(Name of Institution)

8030 soquel ave ste102 santa cruz ca

(Address)

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

California corporation code # 25401

3. Did you have any of the following?

Arraignment: Yes ☒ No ___ Preliminary Hearing: Yes ☒ No ___ Motion to Suppress: Yes ☒ No ___

4. How did you plead?

Guilty _____ Not Guilty _____ Nolo Contendere ✓

Any other plea (specify) _____

5. If you went to trial, what kind of trial did you have?

Jury _____ Judge alone ✓ Judge alone on a transcript _____

6. Did you testify at your trial? Yes ___ No ✓

7. Did you have an attorney at the following proceedings:

- (a) Arraignment Yes ✓ No ___
- (b) Preliminary hearing Yes ✓ No ___
- (c) Time of plea Yes ✓ No ___
- (d) Trial Yes ✓ No ___
- (e) Sentencing Yes ✓ No ___
- (f) Appeal Yes ✓ No ___
- (g) Other post-conviction proceeding Yes ✓ No ___

8. Did you appeal your conviction? Yes ✓ No ___

(a) If you did, to what court(s) did you appeal?

Court of Appeal	Yes <u>✓</u>	No ___	<u>2006 denied</u>	
			(Year)	(Result)
Supreme Court of California	Yes <u>✓</u>	No ___	<u>2006 denied</u>	
			(Year)	(Result)
Any other court	Yes ___	No <u>✓</u>	_____	
			(Year)	(Result)

(b) If you appealed, were the grounds the same as those that you are raising in this petition? Yes ✓ No ___

(c) Was there an opinion? Yes ✓ No ___

(d) Did you seek permission to file a late appeal under Rule 31(a)?
Yes ✓ No ___

If you did, give the name of the court and the result:

Court Of Appeal Sixth District

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes No ✓

Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. § 2244(b).

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court California Supreme Court

Type of Proceeding Petition for Review

Grounds raised (Be brief but specific):

- a. To determine if an individual retains a legitimate reasonable expectation of
- b. privacy of confidential business information, given to the government
- c. stolen by an anonymous source.
- d. _____

Result Denied Date of Result 2/7/2007

II. Name of Court _____

Type of Proceeding _____

Grounds raised (Be brief but specific):

- a. _____
- b. _____
- c. _____
- d. _____

Result _____ Date of Result _____

III. Name of Court _____

Type of Proceeding _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result _____ Date of Result _____

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court? Yes ___ No ☒

(Name and location of court)

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you need more space. Answer the same questions for each claim.

Note: You must present ALL your claims in your first federal habeas petition. Subsequent petitions may be dismissed without review on the merits. 28 U.S.C. § 2244(b); McCleskey v. Zant, 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).

Claim One: Warrentless search of confidential information from my computer

violated my fourth amendment rights of warrentless search and seizure.

Supporting Facts: In 2001 an agent with the Department of Corporations said he received a disk of confidential information from a anonymous person. The agent then searched the disk, using the contents as evidence. Agent name Sean Rooney.

Claim Two: _____

Supporting Facts: _____

Claim Three: _____

Supporting Facts: _____

If any of these grounds was not previously presented to any other court, state briefly which grounds were not presented and why:

List, by name and citation only, any cases that you think are close factually to yours so that they are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning of these cases:

Walter v. United States (1980) 447 U.S.649

Wong Sun v. United States (1963) 371 U.S.471, 484.)

Do you have an attorney for this petition? Yes ☐ No ☒

If you do, give the name and address of your attorney:

WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

Executed on 4/28/08
Date


Signature of Petitioner